

Meeting of 2000-9-26 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
SEPTEMBER 26, 2000 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
 John Vincent, City Attorney
 Brenda Smith, City Clerk
 LTC Anthony Puckett, Fort Sill Liaison

The meeting was called to order at 6:30 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
 James Hanna, Ward Two
 Glenn Devine, Ward Three
 John Purcell, Ward Four
 Robert Shanklin, Ward Five
 Barbara Moeller, Ward Six
 Stanley Haywood, Ward Seven
 Michael Baxter, Ward Eight

ABSENT: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF SEPTEMBER 12 AND SPECIAL MEETING OF SEPTEMBER 18, 2000.

MOVED by Smith, SECOND by Baxter, for approval of the minutes. AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION:

Virginia McComas, Lawton Women's Forum President, presented a check for \$1,000 to Mayor Powell to be used for the Kids' Zone playground. Mayor Powell expressed appreciation for the donation.

UNFINISHED BUSINESS:

1. Consider a request from the Oklahoma Centennial Commission for grant writing expenses for the National Army Museum of the Southwest. Exhibits: Letter.

Mayor Powell said a point of clarification was brought up previously about the legality of this, and Deputy City Attorney Frank Jensen found that it is legal for this \$50,000 to be spent for the purpose requested.

Smith said he voted against this item taking that money out of the CIP and there were reasons he stated at that time, as a body we agreed to do this. He said at this point in time we need to move forward with this so we can get this done.

MOVED by Smith, SECOND by Baxter, to take \$50,000 and hire a grant writer for said museum.

Gilbert Gibson said in June the Council voted \$250,000 for the efforts of the National Army Museum and that spurred the State government to come forth with \$3.7 million, so it is a big start for the project. He said we are now at the point of needing to seek private foundation money, not only locally but nationally, and such funds are available if properly sought. Gibson said this was the reason the Council was being asked to come forward a little bit early; State money will not be in the coffers until around January or February, but it would be wise to start now with the efforts to secure private foundation funding and he requested approval of the item.

Lee Baxter said he appreciated the opportunity to be able to speak on behalf of the motion and wanted to make the point that the request to hire the grant writer is not taken lightly. He said they believe the way to go forward on this is through private money, and the way to private money in terms of foundations is with expertise to prepare grants that can be

properly accepted. Baxter said a \$50,000 investment at this time will probably go a long way toward a \$25 million museum that will have a tremendous impact on tourism and the economy within the City and he requested support for the motion.

Purcell said he spoke with the Executive Director of the Centennial Commission about this item and the young lady they plan to hire who has some expertise in this area and the hopes of being able to get some funding. He said he was in support of the proposal.

Shanklin said this could have been done two or three weeks ago, people will be against you for whatever you want done, but we will prevail.

VOTE ON MOTION: AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

Mayor Powell asked that Item 7 be heard at this time in consideration for those in the audience.

7. Consider approving an agreement between the City and the Vietnam Veterans of America, Chapter 751 for the construction and ongoing maintenance of a Vietnam Memorial in Elmer Thomas Park. Exhibits: Agreement.

Gary Salva, Parks & Recreation Director, said Council had agreed on the construction and site of the memorial in the southeastern portion of Elmer Thomas Park. The Veterans have completed their fund raising of \$22,000 to build the memorial and do the site work. Slides of the proposed site and memorial were shown. It is hoped that the monument will be completed by November 11 for Veterans' Day. Under the agreement, Vietnam Veterans of America, Chapter 751, will do the total construction, turn it over to the City, and the City will do the maintenance. He recommended approval of the agreement.

MOVED by Purcell, SECOND by Hanna, to approve the agreement between the City of Lawton and Vietnam Veterans of America, Chapter 751. AYE: Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

2. Hold a public hearing and consider a resolution amending the 2020 Land Use Plan from Commercial and Office to Industrial and an ordinance changing the zoning from A-1 (General Agricultural District) to I-1 (Restricted Manufacturing and Warehouse District) zoning classification located at 9708 and 9710 NW Cache Road. Exhibits: Resolution 00-95; Ordinance 00-32 (I-1 zoning); Ordinance 00-32 (C-5 zoning); Map; Site Plan; Applications; CPC Minutes.

Bob Bigham, City Planner, pointed out location of the tract on a map shown on a viewgraph slide. Applicants Jim and Betty Liston applied for I-1, light industrial zoning. The CPC, at the August 24 meeting, held a public hearing on the application and recommended C-5, general commercial district, which was the staff recommendation. Bigham said the rationale for that was this property was annexed into the City limits in 1977 at the request of Goodyear to have a buffer around the plant and this was part of that major annexation effort. Council at that time elected only to annex the first tier of lots in Primrose and Sooner Estates, and agricultural zoning was placed on those lots. Other parcels in the area have since been rezoned to C-5. The Land Use Plan shows this tier of lots as C-5 and that was the rationale for staff's recommendation; however, after the CPC meeting, the Planning staff met with the Listons and one of the purposes of the rezoning was to construct a new building which had already been leased for a paint and body shop. A paint and body shop is not allowed in either C-5 or I-1 so in evaluating the entire situation, staff has changed its recommendation for the I-1 zoning and started the process to amend the I-1 classification to allow paint and body shops. The CPC will hold a public hearing on the I-1 paint and body shop ordinance on September 28 and Council will consider it on October 10.

Bigham said the request is for I-1 zoning, the CPC recommended C-5 zoning, and we do have a process to amend the I-1 district to allow paint and body shops. Seven notices were mailed to property owners within 400 feet and no calls of protest or comments were received.

Purcell asked if this went back to CPC after the recommendation was changed to make it I-1. Bigham said no, the application was for I-1, which is how the public hearing was advertised for both the CPC and this City Council meeting. Bigham said the CPC and staff recommended C-5 and the applicants agreed during the meeting, but there was confusion on the uses that were allowed in an I-1 and a C-5. Purcell said he had no problem doing this but had a problem with a board making a recommendation and it being changed before it comes to Council. Purcell suggested this be sent back to CPC.

Shanklin said there was confusion on both sides, the applicant and staff; they thought they were getting what they needed and we thought we were giving them what they needed. He said the applicants have been put on hold for six to eight weeks and to table it further would be insane; we should help these people live in the City of Lawton and pass this item.

Bigham said at the last CPC meeting he gave a report on the progress of this, and felt the CPC did not have a problem with the process being followed.

Devine asked if the neighborhood behind this was in the City limits. Bigham said no, only the area in color on the map was inside the City limits. Devine asked why it was not annexed. Bigham said in 1977, Primrose and Sooner Estates were

unimproved subdivisions and if they would have been annexed, the City would have been responsible for water, sewer, streets, drainage and everything within that area so it was Council's decision not to annex it; a similar situation exists in Wedgewood at 38th and Bishop Road.

Devine asked if water would be brought to the property being considered for rezoning. Bigham said there is a 12" water line on the north side of Cache Road. Devine asked if water was brought to that neighborhood. Bigham said from the 24" water line that runs down Goodyear Boulevard, there have been numerous one and two inch lines run through agreements with the City and property owners. Bigham said one water line could not be replaced because there was no easement and the City put an 8" stub from the 12" down to the south side of Cache Road with an agreement that anyone wanting to tie on would be charged a \$900 fee, so that is the only improvement the City has made to bring water to this area, and there is a tapping fee per the agreement. Mayor Powell said there would have to be water of some kind because there are too many businesses out there to not have it. Shanklin said one lady with a shot gun saw to it that no one came on her property to run a water line and that was the reason for the action.

PUBLIC HEARING OPENED. No one came forward to speak and the public hearing was closed.

Moeller said she had no objection as long as the code would be modified to allow for the paint and body shop.

MOVED by Moeller, SECOND by Shanklin, to approve Resolution 00-95 and Ordinance 00-32 for I-1 zoning, waive reading of the ordinance, read the title only.

(Title only) Resolution 00-95

A resolution approving an amendment to the 2020 Land Use Plan for the City of Lawton from Commercial and Office to Industrial located at 9708 and 9710 NW Cache Road.

(Title read by Clerk) Ordinance 00-32

An ordinance changing the zoning classification from the existing classification of A-1 (General Agricultural District) to I-1 (Restricted Manufacturing and Warehouse District) zoning classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; authorizing changes to be made upon the Official Zoning Map in accordance with this ordinance.

VOTE ON MOTION: AYE: Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

Mayor Powell asked that Item 10 be considered next out of consideration for those in the audience.

10. Consider election dates for the Hotel/Motel Tax election. Exhibits: Election Schedule.

Shanklin asked if any thought had been given to raising the 5% tax to 7.5% or 10%. Dr. Boatsman, Chamber of Commerce, said their committee was working on this and shooting for an election date around March 12. Boatsman said he did not know of a plan to increase the amount but had discussed requesting a longer duration than five years for the tax. Shanklin said if 5% was not detrimental to anyone in Lawton then 7.5% would not be either, and he would like to see it raised because the citizens of Lawton are not paying it and when he goes out of town, he pays much more than 5%.

Mayor Powell said this item deals with the date and he had heard they wanted it in with the regular City election in March. Shanklin said he thought we would vote for it in December and Mayor Powell said that is a different issue.

Vincent said the City Charter sets the election date for the City election as the second Tuesday in March; the election schedule shows state-wide dates and the City's charter prevails over that. He said the election will be March 13; there is concern about the filing period, which will be resolved later, but the election date will be March 13.

MOVED by Smith, SECOND by Devine, to hold the hotel/motel tax election on March 13, 2001. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

3. Hold a public hearing and consider a resolution amending the 2020 Land Use Plan from Open Space to Industrial and an ordinance changing the zoning from A-1 (General Agricultural District), I-2 (Industrial Park District), and I-3 (Light Industrial District) to I-4 (Heavy Industrial District) zoning classification located at the northeast corner of SW Lee Boulevard and Goodyear Boulevard. Exhibits: Resolution 00-96; Ordinance 00-33; Location Map; Applications; CPC Minutes.

Bigham said this is commonly referred to as the west industrial tract. The Goodyear plant is located west of Goodyear Boulevard, Lee Boulevard is to the south. The industrial area was expanded with the addition of the Republic plant, and the request is for the pipe company and includes I-4 for the entire tract. The request is administrative to accommodate the pipe company and the rest of the industrial area. CPC held a public hearing on August 26 and recommended approval. Ten notices were sent to property owners within 400 feet and one call requesting information as to what would be allowed in an I-4 zone was received.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Smith, SECOND by Hanna, to approve Resolution 00-96 and Ordinance 00-33, waive reading of the ordinance,

read the title only.

(Title only) Resolution 00-96

A resolution approving an amendment to the 2020 Land Use Plan for the City of Lawton from Open Space to Industrial located at the Northeast corner of SW Lee Boulevard and Goodyear Boulevard.

(Title read by Clerk) Ordinance 00-33

An ordinance changing the zoning classification from the existing classification of A-1 (General Agricultural District), I-2 (Industrial Park District), and I-3 (Light Industrial District) to I-4 (Heavy Industrial District) zoning classification on the tracts of land which are hereinafter more particularly described in Sections One (1), Two (2), and Three (3) hereof; authorizing changes to be made upon the Official Zoning Map in accordance with this ordinance.

VOTE ON MOTION: AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna. NAY: None. MOTION CARRIED.

4. Consider the Consolidated Annual Performance and Evaluation Report (CAPER) for Federal Fiscal Year (FFY) 1999, hold a public hearing, receive a briefing on the CAPER, receive input from citizens, and approve the report for submission to HUD. Exhibits: None.

Frank Pondrom, Housing and Community Development, gave a power point presentation which is summarized below. The plan starts with an unexpended balance of \$1.5 million, the entitlement of \$1.1 million, and program income of \$81,000 so funds available at the beginning of the year were \$2,880,000. Expenditures were \$1.7 million for an unexpended balance as of June 30 of \$1,088,660. HUD requires a good expenditure rate of 1.5 times the annual entitlement amount, which is \$1.6 million. During the year there was a fund balance of \$1,088,000, which is within HUD's criteria. HUD requires that at least 75% of the expenditures must benefit low to moderate income persons; of the category of funds subject to this criteria there was \$1.5 million, the expenditures less planning and admin is \$1.65 million so 97% of the funds were spent on low and moderate income benefit activities. HUD requires that no more than 15% of the annual grant being spent on public service activities; \$196,499 was spent this year, program income was \$65,000, we had reprogrammed funds of \$160,000 and the entitlement grant was \$1.132 million; the sum of all of those is \$1.3 million, the percent is 13% so that criteria was met.

HUD criteria is that no more than 20% of the funds can be spent on planning and administration; \$226,563 was spent, the amount subject to the cap was \$1.1 million so 18.9% was spent, which is within the criteria. Expenditures in the categories established by HUD were: public services \$196,499; public facilities \$121,251; infrastructure \$458,000; and slum and blight removal \$32,000, for a total of \$808,000. Expenditures in the category of economic development were: \$62,500 for the Northside Chamber of Commerce, \$47,791 for Youth With Purpose, \$20,435 on Youth Job Development, for a total of \$130,000. Expenditures in housing were: \$549,011 on owner rehab, \$68,000 on emergency home repair, for a total of \$626,000.

Highlights of the program are that in public services, expenditures were: \$87,000 for MedTrans which benefited 3,223 persons; \$29,874 for Hospice which benefited nine persons; \$34,000 for Family Counseling which benefited 602 persons; \$44,000 for the teen pregnancy prevention program which benefited 2,810 persons and those are broken down into various programs held by the Area Prevention Center. In the area of housing, expenditure of \$549,000 was to assist 17 units; \$68,542 was spent on emergency home repair assisting with fixing 41 units. The housing improvement program expenditure was \$8,500 assisting 28 units, for a total of 90 units.

Mayor Powell asked if only nine persons were served by the expenditure with Hospice. Pondrom said in the Hospice program the funds are used for medication and doctor services, but only nine people were in the low and moderate income category.

Public facilities improvements are area benefit activities to improve neighborhood centers; those benefited an area containing 9,000 people, 4,500 of whom were low to moderate income, therefore it was at least 51% low to moderate income population. A street repair of \$145,000 was done. Pondrom said he would not read all of the information unless there was a question regarding the streets. Purcell asked if the park projects were in the neighborhood center expenses category and Pondrom said he thought they would be shown in a later slide.

Pondrom said the CAPER is a 139+ page report that includes a narrative and several appendix documents that contain a lot of information. The HOME Program had \$421,000 at the beginning of the period; \$316,000 was spent or appropriated and \$738,000 has been committed; we spent \$626,000 in CDBG which left \$112,340 of unexpended funds to go toward the housing effort through the year. This is somewhat a repetition of the housing activities but it breaks down the rehab costs showing an average cost of \$24,000 per house. Unexpended HOME funds were \$1.2 million; \$527,000 was appropriated so \$1.7 million was committed; \$554,078 was spent, leaving \$1.2 million unexpended at the beginning of the period. Those are broken into projects the funds are committed for: Homeowner Rehab, Tenant Based Rental Assistance, Community Housing Development Organizations, First Time Homebuyer Program, Admin, and program income that has not been earmarked. HUD has different criteria for the HOME program than in that the City has up to two years to commit the funds, once they are received, and funds must be actually expended in five years. Pondrom listed the CHDO activities as: Habitat for Humanity, ZOE Need Program, Great Plains Improvement, Battered Womens' Shelter, and those activities were funded at \$554,000 total.

Lawton is required to provide a match; last year there was a deficit in the match but in assisting the Battered Womens' Shelter, the match was made up and at the end of the period we will have \$780,000 in excess match, so that is in good shape this year.

Purcell said he did not see a slide regarding the park question he asked earlier, noting the next item deals with CDBG funding for a park. An answer was looked up during the public hearing.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Baxter, that the report be submitted to HUD and authorize the Mayor to sign the approval document.

Pondrom said only two park projects were done, so it was not highlighted, and the expense was \$24,000.

VOTE ON MOTION: AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: None. MOTION CARRIED.

5. Hold a public hearing and consider change 3 to the Consolidated One-Year Action Plan for FFY 1999 related to the Lawton View Park Improvements Project No. 1999/0015, approve the change and authorize the Mayor to sign the authentication documents. Exhibits: None.

Pondrom said this project included Verna Cook Park and Harkey Park, which was originally requested by the Lawton Coalition during a public hearing. \$100,000 was approved for various improvements in Verna Cook Park, and \$20,000 for Harkey Park for primarily a pavilion. The project was sent to HUD in the CDBG application and included in the City's budget. He said Parks & Recreation and Public Works can provide information on the progress of the project.

Ihler said this discussion is pertinent to the next agenda item also. He said the architect developed a bid package, after meeting with Parks & Recreation and Public Works staff. Bids were received on Harkey Park for a concrete parking lot, pavilion with tables and barbeque, drinking fountain and water line, modular playground with associated surfacing and curbing, and grassing for the area. The bid for Verna Cook Park included concrete parking and walks, pavilion with tables and barbeque, cinder walking trails and benches, drinking fountain and water line, modular playground unit with associated surfacing and curbing, tennis court, basketball court, and grassing for the area. Those two projects were advertised and the sole bid was \$460,240, the architect's estimate was \$280,000. The sole bid exceeded the architect's estimate by more than 15% allowed by code, so the sole bid was rejected, it was readvertised and staff contacted area contractors to solicit more bids during the next advertisement. The second advertisement was for the exact same package, with the idea that they could pick and choose items because each of the individual items stated earlier were listed where Council could award all or none of the items, and depending on the prices, Council would have a choice to look at what they wanted to award.

Ihler said bids were brought to Council on August 8 and the award was tabled for a public hearing to be held as a result of CDBG funding for Harkey Park; CDBG funding was originally identified for both Harkey Park and Verna Cook Park and the position was to award for only one park, and to be able to do that, a public hearing was needed. The CPC held a public hearing and recommended awarding both parks but deleting the tennis court at Verna Cook Park because the dollar figures were much the same, the one tennis court was \$65,000 and Harkey Park was \$66,500, so the difference was only \$1,500.

Mayor Powell said this item is only to consider Change 3 to the One-Year Consolidated Action Plan and the Council at this time should consider Item 5 only, not the next item. He asked if Change 3 is to delete the tennis court. Pondrom said the CPC recommended that the tennis court be deleted from Verna Cook Park, and that would allow work to be done in Harkey Park. Mayor Powell asked if Change 3 is deleting the tennis court and if that is what is to be decided now. Pondrom said yes.

Baxter said he spoke with Pondrom yesterday and learned that both parks were originally funded at \$120,000 from CDBG. He said Pondrom showed him a slide stating the cost of a tennis court was \$14,000, but today a tennis court is worth \$65,000. He asked who had the right to change the bid on the tennis court and upgrade it to that. Pondrom said the estimate he was talking to Baxter about was in the Annual Consolidated Plan, and at that point and in the City budget, it reflected there was a \$14,000 item for a tennis court and a basketball court, and that was the way it was submitted in the Annual Plan. Pondrom said subsequent to that, when they turned it over to be implemented, the engineers do their work but until that time, you budget an amount and our estimate was low. Baxter asked if it was low from \$14,000 to \$65,000. Pondrom said yes, and the only thing he could think of was that the project was \$100,000 and those elements that made up that \$100,000, one of them was \$14,000 for a basketball and tennis court; at that time that seemed reasonable and it still seemed like a lot of money to him for an outdoor basketball court, which is only concrete and a couple of poles, but it went through a public hearing, the City budgeting process, and was submitted to HUD and those were the numbers provided to the engineers. Pondrom said the engineers hired an architect who measured and designed and then estimated the costs.

Baker said he discussed this with Pondrom, Salva and Ihler earlier today and Pondrom's comments were true. He said he was not sure how the \$14,000 was originally determined but it was not an engineer's figure; the projects were bid twice, the first time the tennis court came in over \$75,000 and the second bid was \$65,000 so the \$14,000 is not a good number. Baxter said that number came from GBA Architects; they made an original estimate and we paid them \$6,400 to make that estimate that the park projects would cost \$280,000, but now the parks cost \$365,375, and two weeks ago it was all the way up to \$430,000, and he wanted to know who had the authority to change an architect's estimate when the projects are

the same; somebody skewed the numbers to squeeze a tennis court in there during the first round and now it is all out in the open and that is not right.

Ihler said he had the bid the architect submitted and the bid for the architect for the tennis court was \$75,000, and he was not sure what Baxter was looking at. Baxter said he was looking at a slide that Pondrom had yesterday in his office. Ihler said he had not seen that but the engineer's estimate was \$75,000 for the tennis court. Baxter asked if a total bid was received from them and said he had a copy of the Council commentary from June 27 that said engineer/architect estimate was \$280,000 from GBA. Ihler said that was their first estimate for the first bid; the project was bid twice and after the original bid of a contractor was \$460,000, he was sure when it was bid a second time, GBA took a strong look and was influenced by the original bid of that contractor and GBA changed its estimate to \$75,000 on that second bid. Ihler said the contractor's bid was \$65,000, the engineer's estimate was \$75,000. Baxter said GBA changed the total bid by \$150,000. Ihler agreed and said GBA has that right after they go back and look at it, and GBA was influenced by the first bid. Baxter asked why we paid GBA \$6,400 if they could not do their job right the first time. Ihler said when the plans are drawn up and bids are received, what dictates the bid are the conditions and the environment of the working field, and the first bids came in much higher and it was a real struggle to get anyone to bid it. Ihler said the original estimate of \$280,000 was what he thought it would go for, and then only one bid was received which causes a difference because the more bidders there are, the better chance there is of getting lower bids.

Baxter said he heard Pondrom make a comment that we were only allowed to accept contract offers that were within 15%. Ihler said he made that comment with regard to when the contractor's bid exceeds the engineer's estimate by greater than 15% the City Code states we cannot award. Baxter said the architect's bid was raised 23% to cover the new guy, Bordwine Development, so they can do the project; we still only got one bid the second time. Purcell said the 15% is between the contractor's price and the architect's estimate. Ihler said the contractor's bid cannot be greater than 15% of the architect's estimate. Baxter said the second bid that came in by itself, from Bordwine Development, is 23% more than the original architect's estimate, and nothing was changed in the plan except the subtraction of a tennis court, which would make the money go the other direction. Ihler said the architect, after experiencing the first time through that getting one bid of \$460,000, re-evaluated his estimate and raised it.

Shanklin asked how many tennis courts there are. Ihler said one. Shanklin asked if it was one tennis court for \$65,000. Ihler said that was his understanding.

Purcell said the last time Council considered this, as the commentary shows, Council indicated that funding for Harkey Park should be deleted. He said he thought this process was required to be able to move the funding from Harkey Park to Verna Cook Park. Purcell said the project is to be funded with \$113,561 from CDBG, and asked if the rest is to come from a different funding source. Pondrom said that part is correct but there is another cost involved, which is \$15,000 for testing and contingencies, so it is \$265,000. Purcell asked if that is a combination of Harkey Park and Verna Cook Park. Pondrom said yes. Purcell said he thought they were going to take the money in the plan change, which is the item being discussed, and remove the money in the plan from Harkey Park and move it to Verna Cook Park. He asked if that was Council's previous direction. Baxter said yes, that was the direction. Pondrom said the minutes did not reflect that; there was a table motion after that motion was made and that was to go back and have a public hearing. Pondrom said it seemed to be the consensus of Council to go ahead and do that. Purcell said apparently Pondrom did not understand that was what Council said to do.

Purcell said the previous item on the 1999 Plan had \$24,000 for parks. He asked if this is adding \$113,000 for parks to that \$24,000. Pondrom said this project was in the program year that started July 1, 1998 and ended June 30, 1999, or the 1999 year. Purcell said Council just approved the FFY 1999 CAPER and Pondrom just said there was \$24,000 in that plan for parks. Pondrom said that was the amount expended, but more was budgeted. Purcell asked if Item 5 was still talking about the 1999 Plan. Pondrom said yes. Purcell said the last paragraph of the agenda says the project will be funded with \$113,000 from CDBG; he asked if in the FFY 1999 Plan, if Council should approve this change, we would have \$113,000 plus the \$24,000 that was already spent, total for parks in the FFY 1999 Plan. Pondrom said more than that was budgeted and the amount spent was just one side of the equation.

Tom Aplin, Community Development, said \$24,000 was spent for two parks so far this year, and those were Taft Park and Walnut Park and those were from the 1998 Consolidated Plan. He said in the 1999 Plan there was \$120,000 set aside for the Harkey Park and Verna Cook Park Improvements Project. Aplin said a little over \$6,000 has been spent so far in getting the architect's estimates, so that brings it to, still available from FFY 1999, \$113,000 that can go into this project as it stands right now. Hanna asked what was done at Taft Park and Aplin said nothing has been completed but new equipment has been purchased and they are waiting to get the crews out to do the installation.

Mayor Powell asked that Council stay with Item 5 and Item 5 only, and that is to delete the tennis courts. He asked that action be taken on that aspect.

MOVED by Smith, SECOND by Haywood, to approve the recommendation to delete the tennis court in the Consolidated One-Year Action Plan at Verna Cook Park and authorize the Mayor to sign the authentication document. (see motion and vote below)

Purcell asked if that motion says we will still spend money on Harkey Park. Haywood said a public hearing is needed. Purcell said he thought the purpose of the public hearing and everything that has been done was to take the money out of the Harkey Park, that was in the original plan, and move it to Verna Cook Park, but now it looks like it is back.

Haywood said the public hearing was about doing that but Mrs. Harkey was at the public hearing and the CPC suggested deleting the \$65,000 tennis court from Verna Cook Park, so when that was deleted, there was money for Harkey Park, and the tennis court money is going into Harkey Park.

Devine said he thought Council made a decision, and asked Haywood to make a decision, as to which one of the parks he wanted to work with and delete one. He asked if that was wrong. Baker said the minutes show there was discussion about in lieu of doing both parks because of the amount of money involved, and proximity of the parks, and there was quite a bit of discussion and it seems to be Council's feelings that we should just do one park, but a motion was made to table so there was no official direction from Council to limit it to one park, there was some discussion on that and the motion was to table and it went back through the public hearing, which was required as it was changing the use of the CDBG funds. Baker said we went back with the option of doing one park because that seemed to be the intent of Council that evening, but during the public hearing, this other option came up so that is being presented tonight, but you can still do just one park; that is just another alternative that surfaced during the public hearing, so Council can do no parks, both or one, with or without the tennis court, but this alternative was recommended by the Planning Commission that came up during the public hearing.

Mayor Powell asked the consequences if the tennis court is deleted. Baker said he understood a youth center in the area is building a tennis court so that facility may be provided in the near future and there would really be no repercussions.

PUBLIC HEARING OPENED.

Bob Burger, Pleasant Valley resident, said he did not know he was going to address the tennis court because he felt like a ping pong ball. He said a lot of questions were asked, they do need the parks, if they can delete the tennis court and do Harkey Park as well as Verna Cook Park, he would say to do that. He said if not, we should do one. Burger said on the one tennis court being discussed, the Lawton Housing Authority is building a youth center at 15th and Tennessee which will have a tennis court. He said it seemed like a win-win situation to take a tennis court out of Verna Cook Park to be able to do Harkey Park also, but if Council preferred to do one park, the tennis court could be added back and one park could be done. Burger said we should go one way or the other and go ahead.

PUBLIC HEARING CLOSED.

Mayor Powell said if the tennis court is deleted, Council can do what it wants to in the next item, but there has been a lot of discussion and confusion on this item. He said he asked the question as to whether or not this had anything to do with money, and it does not, if it is deleted, there will not be a transfer of money. He asked if that was correct. Baker said if you change the plan on this item to delete the tennis court, then on the next item, the tennis court cannot be included. Baker said if the plan is changed to delete the tennis court, you cannot award a contract for the tennis court on the next item. Mayor Powell said the tennis court was being deleted because one was being built right up the street from it.

MOVED by Haywood, SECOND by Smith, to approve Change 3 to the Consolidated One-Year Action Plan for FFY 1999, delete the tennis court portion of Verna Cook Park, and authorize the Mayor to sign the authentication document. AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

6. Consider awarding a contract to Bordwine Development for the Verna Cook & Harkey Park Improvements Project #2000-9 and identifying a funding source. Exhibits: Map.

Ihler said the commentary shows the architect's estimate and the sole bid for each park, as well as an architect's estimate for both Harkey Park and Verna Cook Park minus the tennis court. Bordwine's bid for both parks, minus the tennis court, was \$245,500. \$15,000 should be added for testing and contingencies, so the total amount is \$260,500 for the project to do both parks less the tennis court.

Shanklin asked if the \$65,000 is deleted, are we still doing \$66,000 worth of park improvements at Harkey and \$244,000 at Verna Cook. Ihler said it is \$179,000 for Verna Cook Park.

Purcell asked if it is \$179,000 plus \$15,000 just to do Verna Cook Park, or \$194,000, without the tennis court. Ihler said that is correct. Purcell said if we want to do both parks, it is another \$66,500 to do Harkey. Ihler agreed.

Moeller asked if there will still be a basketball court if the tennis court is done away with, because it was mentioned that there was a combination basketball/tennis court. Haywood said he had the drawing.

Baxter said Harkey Park had an original budget of \$20,000 from CDBG, and the item requested for bid from that funding was a pavilion. He asked Pondrom if that was correct. Pondrom said yes. Baxter asked if the pavilion bid was \$17,000. Pondrom said the latest bid was \$17,000. Baxter asked how Harkey Park's bid got up to \$66,500. Ihler said it is for a concrete parking lot, pavilion with table and barbeque, drinking fountain and water line, modular playground with associated surfacing and curbing, and grassing. Haywood said it was \$8,000 for the concrete parking. Baxter asked Haywood if he asked for those changes to be made, to go from the pavilion to include all of the other items. Haywood said he did not have any idea and thought the recreation section got involved in it; the only thing he thought would be there was a pavilion, but some equipment was added and that was fine with him because it does need some equipment. Haywood said he asked for more equipment because Verna Cook Park is so big, he wanted the kids to have both ends and that was the reason for two pavilions 25' x 60' each.

Baxter said on August 8, there was \$116,000 available from CDBG. He asked why only \$113,000 is available today. Pondrom said additional architect fees were processed; total for the architect was \$6,150 and all of that had not been paid when the agenda item was prepared for August 8. Pondrom said there were other expenses in advertising for bids and incidental items so there is \$113,000 left out of the original \$120,000.

Baxter said on August 8 Haywood said he needed \$27,450 for Harkey Park from the CIP, plus the \$20,000 from CDBG. Haywood said he asked for \$200,000 and Shanklin broke it down to be \$127,000 and when it came back it was \$146,000, and he asked for CIP money because he knew they could not get any more CDBG money.

Baxter paraphrased from August 8 minutes stating "Haywood said they have been waiting a long time for a park, they did not have enough money, Harkey Park needed \$27,450 plus the \$20,000 from Pondrom is \$47,450". He asked why today does Harkey Park all of the sudden need \$66,500. Haywood said the concrete walk is \$8,000, the pavilion and table and barbeque is \$17,000, the drinking fountain and water line is \$3,500, the modular playground unit with associated surfacing and curbing is \$38,000. Baxter said he did not understand how on August 8 the need was for \$27,450 plus \$20,000 and now it is \$20,000 more. Haywood said he asked for all of the money to make up the difference before. Baxter said Haywood asked for \$244,000, less \$116,000 from CDBG. Pondrom said one difference is the need to add the \$15,000 for testing and contingencies, and the other reduction was from \$116,000 being available to \$113,000 being available.

Purcell said the options tonight are to do Verna Cook Park for \$194,000 or do Verna Cook Park and Harkey Park for another \$66,500. He said in CDBG there is \$113,500. Baxter said all you can put in Verna Cook Park is \$100,000 from CDBG. Pondrom said there is \$113,000 left in CDBG for either or both parks. Purcell said if we are just talking about Verna Cook Park we have to come up with \$80,400 from the 1995 CIP; if we want to do Verna Cook Park and Harkey Park, another \$66,500 is needed from the 1995 CIP, which gets us back to \$147,000. Purcell said the issue seems to be whether to approve one park or both parks, and one park would be the \$113,000 from CDBG and \$80,500 from the 1995 CIP, or to do both parks, we take \$113,000 from CDBG and \$147,000 from the 1995 CIP.

Shanklin said Ihler has looked this over and we either accept the comments or be suspect of the \$3 and \$4 million projects. He said he had no problem doing one or both parks.

Mayor Powell said we have \$260,500 of which \$113,000 can be from CDBG and the balance would be \$147,500 to do two parks. He asked if Council wanted to do two parks and come up with the \$147,500.

Baxter said on August 8 Pondrom stated, and it is in the minutes, that you cannot take the CDBG money and combine it together and give it to one. Pondrom said you could not do that at that point in time but since we have had the public hearing, had the input, it is legal to delete Harkey Park and not do it and just do Verna Cook Park. Mayor Powell asked if the \$113,000 can now go for the combination of both parks and Pondrom said yes.

Haywood said they are getting ready to build 50 to 100 houses in Lawton View and they need something for the families to do. He said there is a need for the parks and it will enhance the area. Haywood said when Urban Renewal came through in the 1960's, they said they would fix the parks but they have not done that. He said he agreed to limiting it to one park but since it went through CPC and they recommended doing two for almost the price of one, that was the way to go. Haywood said the recreation department would have to do it later on anyway, so we might as well go ahead and do it now.

Mayor Powell said he asked the City Manager where the \$147,500 would come from and his answer was from the 1995 CIP, that funds are available. Baker said it is up to Council but that would be his recommendation.

MOVED by Haywood, SECOND by Smith, to award the contract to Bordwine Development in the amount of \$245,500, plus the \$15,000 for the testing, for \$260,500, for Verna Cook Park and Harkey Park Improvement Project #2000-09; funding will come from CDBG and 1995 CIP in the amount of \$146,938.19 from the 1995 CIP and \$113,561.81 from CDBG.

Devine said Council voted a while back to spend \$1.5 million in that neighborhood for a building that could have been built, and that should be considered before putting another quarter of a million dollars over there. He said that was his opinion and he wanted everyone to realize they were talking about spending another quarter of a million dollars.

Baxter said a few months ago, Council authorized Salva to spend \$200,000 to fix ten parks. He said he wanted Council to think about this when they are thinking about spending \$260,000 to fix two parks. Baxter said we might need to get our priorities in line.

Purcell said he would make a motion to play devil's advocate and get this moving.

SUBSTITUTE MOTION by Purcell, SECOND by Baxter, to spend \$194,000 to redo Verna Cook Park which gives us an option of going either way we want to go.

Mayor Powell said the original motion was to do both parks with the expenditures as stated, and the substitute motion is for one park only for \$194,000 for Verna Cook Park, with \$113,561 from CDBG and \$80,439 from 1995 CIP. Purcell said it is an alternate motion to get this moving.

Smith said we are spending \$260,000, which was the previous intent, but it is going to get two parks done.

Mayor Powell asked for a roll call on the substitute motion to do one park only for \$194,000, with \$113,000 of that being from CDBG.

VOTE ON SUBSTITUTE MOTION: AYE: Baxter. NAY: Moeller, Haywood, Smith, Hanna, Devine, Purcell, Shanklin. SUBSTITUTE MOTION FAILED.

VOTE ON ORIGINAL MOTION BY HAYWOOD: AYE: Haywood, Smith, Hanna, Purcell, Shanklin, Moeller. NAY: Baxter, Devine. MOTION CARRIED.

8. Receive a briefing on the status of the East Side Park project. Exhibits: None.

Salva presented a conceptual drawing of the project. \$1.5 million was allocated from the 2000 CIP and \$122,000 remains in the 1995 CIP, for a total budget of \$1.6 million. The conceptual plan will be sent to the architect for use in preparing preliminary plans. Some areas are contingent on a contract being approved with the Lawton Public Schools; the ballfields will be in the northern part of the park; parking lot to the south and access would require LPS approval to be able to use their parking lot and tennis complex. At the conceptual phase the only thing being agreed on is that this is where the ballfield complex will be built, this is the parking lot, these are contingencies; the 20 acres to the north will be a passive recreation area and included in the preliminary plans, subject to the approval of LPS.

Purcell said these fields will replace the four ballfields that were removed from behind Shoemaker Center. Salva agreed and said if the money can be stretched, they hoped to have an active area in one part of the development; architects are designing phase two so future funding needs will be known. Purcell said there are no pavilions or soccer fields in the \$1.6 million. Salva said there is a chance that a pavilion and playground area could be done, depending on the prices.

Mayor Powell asked if this is west of the MacArthur Senior High School parking lot and Salva said yes.

Shanklin asked if there was an estimate on the dirt work required. Salva said the architect provided a statement that phase one, which includes the ballfield complex, parking lot and drive, can be done for the \$1.6 but he did not have a break down of the dirt work.

Shanklin asked if LCT roof repairs were included in the parks strategic plan. Salva said no. Shanklin said the building is in the 1300 block of Bell and the roof is gone and it is a City building.

Baker said the strategic plan is a department recommendation only and a meeting will be set for the Council to consider and approve the plan, so Council may want to add or delete projects.

9. Consider filing a claim for an immediate refund of all sales tax revenues erroneously retained by the Oklahoma Tax Commission and diverted to the State Treasury. Exhibits: Claim.

MOVED by Purcell, SECOND by Smith, to approve the item as stated. AYE: Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

11. Discuss prioritizing use of remaining funds from the 1995 Capital Improvement Program and provide direction. Exhibits: None.

Moeller said the park projects are wonderful and needed, but some of the streets are receiving no attention and they are in such bad shape that patching them will no longer help. She said she asked if a street could be repaired and found it was only six inches of asphalt with only clay under it, and there are many, many streets that need reconstruction. Moeller asked how much money is left and if Ihler could provide a briefing on the problem streets and see if assistance can be provided to get work done.

Baker said the handout shows an unappropriated balance of \$3,063,000 in the 1995 CIP, although Council approved an additional expense from an earlier agenda item. He said an extract from the City Code provides what the 1995 CIP funds may be spent to accomplish.

Mayor Powell asked if all 1995 CIP projects are done that we told the people we would do. He said that needs to be researched thoroughly. Ihler said not all of them have been completed in that 82nd Street is one of those projects funded from the 1995 CIP. Ihler said funding has been set aside and appropriated to complete all of the stated projects. Mayor Powell asked if this \$3,063,000 can be used as described in items one through eight on the handout. Baker said that is correct.

Mayor Powell suggested Ihler return a written report. Moeller said she was interested in a report on the needs for streets and to her that was the number one priority. Mayor Powell said water runs down the streets from breaks. Moeller said she did not intend for it all to be used for streets but would like to have a presentation on the streets to see what can be done. Mayor Powell said on a Saturday morning it took over three hours to respond to a water break due to a major break in another area, so thousands of gallons had run down the street, which is irritating to citizens. Moeller said there is an extremely bad street in Keystone and the water main under it is breaking, and water was bubbling up through the cracks in the street, so both of them should be done. Moeller said they need to know the status so they can determine how much

money to put on which projects. Shanklin said it is safe to say that there are \$300 million in projects that need to be done and he could not support spending \$3 million in streets. Moeller said she was not suggesting all of it be spent on streets.

Baker said he had received various requests and suggestions on use of the 1995 CIP and they were all good ideas. He said staff could put together a small capital improvements program to bring back projects for Council consideration, and perhaps leave a small amount for contingency, or another option is to leave the funds as they are and use them as needed, but he would recommend some type of plan that is balanced with residential streets and other projects that are critical to the community, so there would be a plan for the \$3 million. Baker said if that is not done, we will nickel and dime it to death over the next two years.

Moeller said that would be her request and that she did want to specify residential streets because they had been left out. Mayor Powell said the report would be returned.

12. Consider adopting an ordinance amending Section 15-201 and 15-208, Chapter 15, Lawton City Code, 1995, as amended, by clarifying the persons responsible for allowing the accumulation of trash, weeds, and low-hanging or dead tree limbs on premises within the city limits, and relating to the jurisdiction of the City on railroad right-of-ways and agriculturally zoned property in conformance with state law. Exhibits: Ordinance 00-34.

Vincent said a request was received from an attorney representing the Lawton Board of Realtors to review the code provisions shown as compared to State Statutes. He said the actual language necessary was not in the code, and the agriculturally zoned properties and right of ways were not dealt with properly so the code revision is recommended.

Shanklin asked if this pertains to residential property at all or just agricultural. Vincent said the provision helps enforce weed abatement on agriculturally zoned property by requiring mowing if it is within 150 feet of residentially zoned property so that would be a benefit. Mayor Powell asked if the ordinance is for clarification purposes only and Vincent said yes.

MOVED by Shanklin, SECOND by Haywood, to approve Ordinance 00-34, waive reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance 00-34

An ordinance related to trash, weeds and low-hanging or dead tree limbs, amending Section 15-201 and Section 15-208, Article 2, Chapter 15, Lawton City Code, 1995, by clarifying the persons responsible for such violations on premises within the City limits; and relating to the jurisdiction of the City on agriculturally zoned property and railroad right-of-ways in conformance with State Law.

VOTE ON MOTION: AYE: Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

13. Consider awarding a proposal for RFPCL01-34: Centennial Book. Exhibits: None.

Gary Jackson, Assistant City Manager, said the Council authorized RFP's to be issued for a commemorative centennial book. Two responsive proposals were received and a summary of those responses was distributed. A centennial task force has created a subcommittee dealing with the book, and that subcommittee has met twice to evaluate the proposals in detail and recommends Bell Books, Rich Hill, MO. A contract can be worked out with that firm to return to the next meeting. To be able to get books delivered by July 2001, a great deal of work must be done. Dr. Lynn Musslewhite is chairing the committee. Samples of the book were available. The exact quantity or number pages has not been decided on yet and those will be worked out through the contract provisions.

Mayor Powell said they were talking about getting 3,000 books, and he reported on meetings of the committee and subcommittee. Jackson said Bell stated it intended to be involved with the City on a pre-sale effort and provide fliers and brochures to try to get as many pre-sales as possible before the City incurs any financial obligation.

Smith asked if the item needed to be tabled. Vincent recommended awarding the proposal and directing staff to negotiate a contract pursuant to the terms and conditions in the proposal to bring the contract back to the Council. Jackson said it should be subject to the ability to negotiate a successful contract.

Purcell asked if the City would buy the books for \$15 or \$16 and sell them to the public for \$20 or something like that. Mayor Powell said the committee discussed that and it was not intended to be a money making project, although the books would be sold for about \$5 more than the cost, but the intent was to sell as many books as possible for the benefit of anyone who wanted to buy them. Mayor Powell said Mr. Ellenbrook, who has written books, suggested there are probably 150 to 200 libraries in Oklahoma and North Texas that would want the book, and the committee has great representation. Purcell said even though the City would put the money up front, of the \$115,000 that is set aside so far for the celebration, this \$48,000 or \$45,000 would come out of it but it would be regained through the sale of the books. Mayor Powell agreed.

MOVED by Smith, SECOND by Shanklin, to award the proposal RFPCL01-34, direct staff to negotiate a contract and if successful, the contract would be brought back to Council for consideration. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

14. Consider an ordinance amending Sections 7-2701B and 7-2704A, Chapter 7, Lawton City Code, 1995, amending the definition and criteria for bed and breakfast establishments. Exhibits: Ordinance 00-35; Section 317.1.A.2, Title 74, Oklahoma Statutes.

MOVED by Smith, SECOND by Shanklin, to approve Ordinance 00-35, waive reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance 00-35

An ordinance amending Sections 7-2701B and 7-2704A, Article 27 Bed and Breakfast Establishments, Chapter 7, Lawton City Code, 1995, establishing a maximum of four guest rooms.

VOTE ON MOTION: AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna. NAY: None. MOTION CARRIED.

15. Consider adopting a resolution rescheduling the December 26, 2000 regular City Council meeting to December 5, 2000. Exhibits: Resolution 00-97.

Mayor Powell said he was reviewing the Council meeting schedule and realized a meeting was set for December 26. He said he understood some of the members would be leaving on December 6 to attend the National League of Cities Conference but he felt it would not be good to have a meeting on December 26, and that December 12 is the other regular meeting date.

MOVED by Purcell, SECOND by Shanklin, to approve Resolution 00-97. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: None. MOTION CARRIED.

(Title only) Resolution 00-97

A resolution rescheduling the second regularly scheduled Council meeting in December 2000.

CONSENT AGENDA:

ITEM 16 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

17. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for claims which are over \$400.00: Dennis Routh, Southwestern Bell Telephone and Southwestern Bell Telephone. Exhibits: Legal Opinions/Recommendations. (Resolution 00-98 and 00-99 on file) Southwestern Bell Telephone: \$386.25.

(Title only) Resolution 00-98

A resolution authorizing and directing the City Attorney to assist Dennis Routh in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Four Hundred Dollars and no cents (\$400.00).

(Title only) Resolution 00-99

A resolution authorizing and directing the City Attorney to assist Southwestern Bell Telephone Company in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Eight Hundred Twenty-Nine and 16/100 Dollars (\$829.16).

18. Consider approving the negotiated settlement and adopting a resolution authorizing the City Attorney to file and make payment of the judgment in the Workers' Compensation case of David Baggett in the Workers' Compensation Court, Case No. 2000-10602-H. Exhibits: Resolution 00-100.

(Title only) Resolution 00-100

A resolution ratifying the actions of the City Attorney in making payment of the judgment in the Workers' Compensation case of David Baggett for the amount of Fourteen Thousand Fifty-Eight and no cents (\$14,058.00) per order of the Workers' Compensation Court, and filing a foreign judgment in the District Court of Comanche County for purposes of placing said judgment on the tax rolls.

19. Consider approving Change Order No. 1 for the 2000 CIP Waterline Replacement Project #2000-13 with Krapff-Reynolds Construction Company. Exhibits: Map. Action: Approve Change Order No. 1 in the amount of \$1,500 and add 14 calendar days for the project. (Additional work is required since water line is under Fort Sill Boulevard.)

20. Consider approval of Change Order No. 1 for the Boring and Encasement Requirements Contract with Dobbs Washita Construction, Inc. to meet OWRB requirements for reimbursement of funds. Exhibits: None. Action: Approve Change Order No. 1. (Adds language regarding Prospective Prime Contractor's statement about equal opportunity and certification of non-segregated facilities to meet OWRB requirements for reimbursement of funds. No change in price or contract days.)

21. Consider accepting Robinson's Landing Lagoon Fencing Project #2000-29 as constructed by RCJ Construction, Inc. and placing the Maintenance Bond into effect. Exhibits: Map. Action: Accept the project and place the maintenance bond into effect.

22. Consider acknowledging receipt of revised permit for the construction of 1,780 linear feet of ten (10) inch PVC plus 1,575 linear feet of ten (10) inch PVC including 214 linear feet of ten (10) inch DIP sanitary sewer line and all appurtenances from the Oklahoma State Department of Environmental Quality to serve the Grayson's Mountain Estates, Faircloud and Creekwood Additions (sewerline), City of Lawton, Comanche County, Oklahoma. Exhibits: Map. Action: Acknowledge receipt of revised permit. (Commercial prospect did not materialize and no funding was appropriate for sewer line. Permit is good for one year.)
23. Consider a Revocable Permit for the installation of groundwater monitoring wells in SW I Avenue right-of-way on the east side of South 11th Street, submitted by StanTech Engineering Company, on behalf of Kerr-McGee Refining Company. Exhibits: Letter; Revocable Permit. Action: Approval of item.
24. Consider accepting an off-site sewer line improvement located at NW 67th Street and NW Cache Road and maintenance bond. Exhibits: Map. (Bond on file) Action: Accept the 8-inch sewer line and maintenance bond.
25. Consider authorizing the Mayor to execute the recertification application for the Community Rating System of the National Flood Insurance Program. Exhibits: Annual Progress Report. (Recertification Application on file) Action: Authorize the Mayor to execute the recertification application for the Community Rating System of the National Flood Insurance Program.
26. Consider approving the disbursement of one additional piece of equipment gained from the closing of the Minority Business Opportunity Center (MBOC) at Great Plains Area Technology Center to be transferred to the Northside Chamber of Commerce. Exhibits: None. Action: Approve the transfer of one additional piece of equipment from City to Northside Chamber of Commerce and direct City Auditing personnel to prepare the necessary documentation to facilitate the transfer. (Minolta FAX 2500)
27. Consider entering into contracts with Ms. Kathy Sloan, Mr. and Mrs. Scott Malowney, Mr. and Mrs. John Pipes, Mr. and Mrs. Cecil R. Lee, Mr. and Mrs. John J. Ryan and Ms. Nita Knight for fire protection outside the Lawton city limits, and authorize the Mayor and City Clerk to execute the contracts. Exhibits: None. (Contracts on file) Action: Approval of contracts.
28. Consider approving contracts for the Cosponsorship Program. Exhibits: None. Action: Approve contracts with: 9th & 10th Horse Cavalry Association, Buffalo Festival \$400.00; Lawton-Fort Sill Art Council, Reflections in Watercolor, \$400; Lawton City Ballet, Inc., Dracula, \$1,000.00; Museum of the Great Plains, Bridging the Millennia, Speaker Series: Great Plains History and Culture, \$1,000.00; United Social Actions, Inc., After School Art Performance, \$200.00; Percussive Arts Society, Inc., 2001 PAS Museum Concert Series, \$1,000.00.
29. Consider awarding a contract for the purchase of a 70,000 pound class trackhoe and identifying a funding source for one half the cost of the trackhoe. Exhibits: None. Action: Award to Midwestern Equipment for a new Link Belt Trackhoe for \$185,863.00, with an extended 60-month warranty for \$6,876, for a total of \$192,739. Funding source was 50%, or \$96,369.50, from Sanitary Sewer Rehabilitation Program in that they will be using this equipment approximately 50% of the time; \$50,000 from the Water Distribution Division budget and \$46,369.50 from Council Contingency.
30. Consider awarding contract for VHF Portable Radios. Exhibits: Memo; Abstract. Action: Award contract to Lawton Communications.
31. Consider awarding contract for UHF Portable Radios. Exhibits: Memo; Abstract. Action: Award contract to Lawton Communications.
32. Consider awarding contract for Soil. Exhibits: Memo; Abstract. Action: Award contract to Penland Topsoil.
33. Consider approval of appointments to boards and commissions. Exhibits: Memo.

Lawton Housing Authority: Cynthia Johnson, Term: 8/24/00 to 8/24/03; Stanley Haywood, Term: 9/25/00 to 4/27/02

Commission on the Status of Women: Candy Seabrook, Ward 4 Rep., Term: 7/28/00 to 7/28/02; Sheila Alford, County Eastern District (approve move from Ward 4 and continue term), Term: 9/14/99 to 9/9/01; Betty Simmons, Ward 4 Rep., Term: 4/23/00 to 4/23/02

Human Rights & Relations Commission: Tarra Gilbert, African American Rep., Term: 9/26/00 to 9/30/01

Personnel Board: Ray Polk, Term: 6/30/00 to 6/30/06

34. Consider approval of payroll for the period of September 18 through October 1, 2000.

Vincent requested separate consideration of Item 16.

MOVED by Shanklin, SECOND by Smith, to approve the Consent Agenda items as recommended with the exception of Item 16. AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

16. Consider the following damage claims recommended for denial: Elizabeth "Queenie" Raymond. Exhibits: Legal Opinion/Recommendation.

Vincent said the claimant requested the claim be tabled to the October 10 meeting.

MOVED by Smith, SECOND by Moeller, to table the item to October 10. AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Haywood welcomed David Pope, County Commissioner-elect.

Shanklin said Council gave a remodeling permit for 707 Gore three months ago and they have hung one window. He said he had asked that we write an ordinance that stated that anything that had been burned or under demolition, when they did get a remodeling permit, it would be on 30-day increments up to 90 days and could be revoked. Shanklin said we have not done that but found out we wrote an ordinance on elk hunting, and the ordinance should enforce and ensure they will remodel and not use it for a six month delay due to the safety factors. He said he objected to the fact staff said they could do the work for the money when that property was only worth \$40,000 and that he could not do the work for \$100,000 and not make anything for himself.

Haywood said when Tulsa revises old neighborhoods, they tear out old houses but replace them with \$50,000 to \$80,000 homes so it does not destroy the neighborhood. He said urban renewal was fine but it destroyed some neighborhoods. Mayor Powell said homes are being rebuilt in Lawton View although it took many, many years to accomplish.

Smith said David Pope is in the audience and he will serve as Central District County Commissioner. He said Mr. Pope defeated him last week in that election and he congratulated Pope on a good, clean race and said it was a pleasure to get to know Mr. Pope during that campaign. Smith wished Pope good luck and said he was not sure Pope knew what he had gotten himself into.

Baker said SW 82nd Street south of Lee Boulevard will be closed to traffic from 8 a.m. Thursday, September 28, until 5 p.m. Sunday, October 1. This cannot be avoided due to the construction project, the media will be advised, and it will be an inconvenience.

Baker said he was contacted by Mark Glenn and Fort Sill late this afternoon; Fort Sill is agreeing to loan some tools to the Kids' Zone Project but federal regulations will allow that only when dealing with a municipality. He said he had been asked to sign the agreement to allow for the loan of the tools; the City of Lawton would have no liability for damage or loss, that is covered by the AMBUCS insurance policy, but he planned to sign the document tomorrow and return it at the next Council meeting for ratification, if no objections were stated.

Moeller congratulated David Pope on a good race. She said on October 5 at 7 p.m. at the Center of Good Health, there will be a Ward 6 meeting and several City staff members will be present.

LTC Puckett said Fort Sill will celebrate its Octoberfest this Saturday and everyone is invited, although it conflicts with the Diabetes Walk and a number of other events. He said it starts at 9 a.m. in front of the Fort Sill Officers' Club and events go throughout the day.

Shanklin said the Fire Department sent information about a trip to Las Vegas. Mayor Powell said it would be on the next agenda.

BUSINESS ITEMS:

35. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2000-2001 between the Fire Union, I.A.F.F., Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

36. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a settlement offer received in the pending damage claim of Stephanie Pollard against the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

37. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to evaluate the performance of the City Manager, City Clerk, City Attorney, and/or Municipal Judge; and take action on their respective contracts, as deemed necessary, in open session. Exhibits: None.

MOVED by Smith, SECOND by Hanna, to convene in executive session to consider the items shown on the agenda and recommended by the legal staff. AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 8:30 p.m. and reconvened in regular, open session at approximately 9:40 p.m. with roll call reflecting all members present.

Vincent reported that pursuant to Section 307B.2, Title 25, Oklahoma Statutes, Council entered into executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2000-2001 between the Fire Union, I.A.F.F., Local 1882, and the City of Lawton. He said it is suggested that a cost analysis of the union's proposal and a cost analysis of the City's proposal be prepared and presented at the next Council meeting.

MOVED by Baxter, SECOND by Smith, to direct staff to put a cost analysis on the firefighters' and the City's proposal and bring it back to the Council at the next meeting in two weeks. AYE: Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

Vincent reported that pursuant to Section 307B.4, Title 25, Oklahoma Statutes, Council entered into executive session to discuss a settlement offer received in the pending damage claim of Stephanie Pollard against the City of Lawton. He recommended a motion to reject the offer of settlement presented by Ms. Pollard.

MOVED by Smith, SECOND by Hanna, to reject the offer of settlement presented by Ms. Pollard. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

Mayor Powell reported no action on Item 37.

There being no further business to consider, the meeting adjourned at 9:45 p.m. upon motion, second and roll call vote.